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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,266	07/11/2001	Anastacia Rosario Aricayos Barangan	AA473	1483

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EXAMINER
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HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/903,266	<b>Applicant(s)</b> BARANGAN ET AL.	
	<b>Examiner</b> Joseph P. Hirl	<b>Art Unit</b> 2121	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on July 11, 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This Office Action is in response to an AMENDMENT entered September 1, 2004 for the patent application 09/903,266 filed on July 11, 2001.
2. All prior office actions are fully incorporated into this office action by reference.

### ***Status of Claims***

3. Claim 1 is amended. Claims 14 and 16 are cancelled. Claims 1-13, 15, and 17-23 are pending.

### ***Claim Objection***

4. Amended claim 1 is of the Markush form and the term "and mixture thereof" makes the claim an improper form of Markush.

This objection must be corrected.

***Claim Rejections - 35 USC § 102***

5.. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6.. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-13, 15, and 17-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Koopersmith (U.S. Pub. 2001/0042002, referred to as **Koopersmith**).

***Claim 1***

Koopersmith anticipates under control of a first client system (**Koopersmith**, Fig. 1); collecting personalized consumer data pertaining to a consumer's fabric care needs and habits and pertaining to non-fabric care related information (**Koopersmith**, paras 0126-1327); sending the data to a server system (**Koopersmith**, Fig. 4); under control of the server system (**Koopersmith**, Fig. 4); receiving the data from the first client system (**Koopersmith**, Fig. 1); based on the consumer's personalized data determining a recommendation for one or more fabric care products (**Koopersmith**, para 4); and

Art Unit: 2121

sending the recommendation to the first client system, a second client system or both (**Koopersmith**, Fig. 1) wherein the fabric care product is selected from the group consisting of a laundry detergent, fabric conditioning composition, wrinkle removal composition, bleach, bleach activator, dye fixative, stain remover, anti-static composition, dryer added sheet product, and mixture thereof (**Koopersmith**, para 0707; Examiner's Note (EN): para 12 applies; in a Markush type claim, the prior art need only anticipate one of the listed items; in this case information related to cotton underwear relates to fabric, cotton relates to conditioning of the underwear since cotton is what makes it up, and cotton relates to the composition since the underwear is made of cotton).

**Claim 2**

Koopersmith anticipates under control of the first client system; receiving the recommendation for the one or more fabric care products (**Koopersmith**, Fig. 1; para 92).

**Claim 3**

Koopersmith anticipates under control of the first client system; displaying one or more queries; and in response to one or more actions by the consumer, sending answers to the one or more queries to a server system (**Koopersmith**, Fig. 1; para 92).

**Claim 4**

Koopersmith anticipates household budget considerations; space considerations within the household; existence and/or identity of any allergies in the consumer's household; relative priority of fabric care operations to other household and family

demands on the consumer's time; the consumer's habits, hobbies and personal interests; the consumer's ambitions and life goals; the consumer's stage in life; the consumer's preferred media; and mixtures thereof (**Koopersmith**, paras 0126-1327).

***Claim 5***

Koopersmith anticipates under control of the server system; calculating a recommended quantity for each of the one or more fabric care products recommended for purchase; and sending the recommended quantities with the purchase recommendation to the first client system, a second client system or both (**Koopersmith**, Fig. 1; para 92).

***Claim 6***

Koopersmith anticipates under control of the first client system; receiving the recommended quantities for each of the fabric care products recommended for purchase (**Koopersmith**, Fig. 1; para 92).

***Claim 7***

Koopersmith anticipates the server system communicates with the first client system via the Internet (**Koopersmith**, Fig. 1; para 2).

***Claim 8***

Koopersmith anticipates under control of the first client system with one or more actions by the consumer, one or more fabric care products are selected for purchase and a request is sent to the server system to purchase the selected fabric care products (**Koopersmith**, Figs. 7, 8; paras 98-99).

**Claim 9**

Koopersmith anticipates the fabric care products are selected from the group consisting of laundry detergents, fabric conditioning compositions, wrinkle removal compositions, bleaches, bleach activators, dye fixatives, stain removers, anti-static compositions, dryer added sheet products and mixtures thereof (**Koopersmith**, Figs. 7, 8; paras 98-99).

**Claim 10**

Koopersmith anticipates the fabric care products selected for purchase are identified, packaged and delivered to the consumer (**Koopersmith**, Figs. 7, 8; paras 98-99).

**Claim 11**

Koopersmith anticipates the fabric care products selected for purchase are dispensed directly to the consumer or they are dispensed to a fabric laundering or fabric drying apparatus under control of the consumer (**Koopersmith**, Figs. 7, 8; paras 98-99).

**Claim 12**

Koopersmith anticipates wherein a receipt identifying the fabric care products selected for purchase is issued to the consumer before the products are delivered to the consumer (**Koopersmith**, para 113).

**Claim 13**

Koopersmith anticipates the receipt comprises an electronic transmitter beacon, and wherein the location of the consumer can be determined electronically with the assistance of the electronic transmitter beacon, once the consumer is located, the fabric

Art Unit: 2121

care products can be delivered directly to the consumer (**Koopersmith**, para 2; EN: para 2 applies; the internet is an electronic network that includes transmitters, i.e. cell phones which are beacons and would facilitate delivery).

***Claim 15***

Koopersmith anticipates the number, ages and gender of the people in the consumer's household; the frequency with which fabric care processes are conducted by the consumer or by members of the consumer's household; the type and color of fabrics that are cared for; and Mixtures thereof (**Koopersmith**, paras 0126-1327; para 48).

***Claim 17***

Koopersmith anticipates the server system comprises a customized web site having a user interface, wherein the user interface includes consumer identification data unique to each consumer who accesses the web site, and wherein the consumer identification data is stored in a data repository and is used to create a unique consumer profile corresponding to the consumer identification data for each consumer (**Koopersmith**, Fig. 6; paras 0126-1327).

***Claims 18, 23***

Koopersmith anticipates providing a sample of a fabric care product identified in the fabric care recommendation, said sample being provided to the consumer associated with the personalized consumer data (**Koopersmith**, para 120).



**Claim 19**

Koopersmith anticipates under control of an interactive user interface (**Koopersmith**, Figs. 1, 6): collecting personalized consumer data pertaining to a consumer's fabric care needs and habits and pertaining to non-fabric care related information (**Koopersmith**, paras 0126-1327); comparing the personalized data to a data repository, wherein the data repository comprises fabric care data selected from the group consisting of fabric care products, dosage recommendations, usage instructions, and mixtures thereof (**Koopersmith**, para 92); and preparing a fabric care recommendation (**Koopersmith**, para 93; EN: filtering will customize the recommendation).

**Claim 20**

Koopersmith anticipates the interactive user interface comprises a computer assembly connected to the data repository, a display device and an input device (**Koopersmith**, Figs. 1, 6).

**Claim 21**

Koopersmith anticipates the fabric care recommendation is displayed on the display device (**Koopersmith**, Figs. 1, 6; para 17).

**Claim 22**

Koopersmith anticipates wherein the personalized consumer data pertaining to non-fabric care related information is selected from the group consisting of: household budget considerations; space considerations within the household; existence and/or identity of any allergies in the consumer's household; relative priority of fabric care

operations to other household and family demands on the consumer's time; the consumer's habits, hobbies and personal interests; the consumer's ambitions and life goals; the consumer's stage in life; the media preferred by the consumer; and mixtures thereof (**Koopersmith**, Fig. 6; para 17; paras 0126-1327).

### ***Response to Arguments***

8. The rejection of claim 14 under 35 USC, second paragraph, is withdrawn.
9. The rejection of claims 11-13, 15, and 17-23 under 35 USC 102(e) remains. The above comments related to Markush and Koopersmith apply.

### ***Examination Considerations***

10. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

11. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

12. Examiner's Opinion: Paras 10. and 11. apply. The applicant must fully appreciate that the Examiner has the obligation to interpret the claims in the broadest reasonable sense. It is therefore incumbent upon the applicant to use the specification to tie down the spectrum of the claims. Using the concept of "means for" achieves this objective.

### ***Conclusion***

13. Claims 1-13, 15, and 17-23 are pending.

### ***Correspondence Information***

Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (571) 272-3685. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

Art Unit: 2121

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anthony Knight can be reached at (571) 272-3687.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

or faxed to:

(703) 872-9306 (for formal communications intended for entry);

or faxed to:

(571) 273-3685 (for informal or draft communications with notation of "Proposed" or "Draft" for the desk of the Examiner).



Joseph P. Hirl

December 2, 2004